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10/526,801	10/21/2005	Santiago Miguel Sanz	TJA-112US	7391
23122	7590	03/09/2010		
RATNERPRESTIA			EXAMINER	
P.O. BOX 980			HOGUE, DENNIS A	
VALLEY FORGE, PA 19482				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

1. This is the third Office Action based on the 10/526,801 application filed 3/7/2005. Claims 41, 44, 45, 48-58, 63-66, 68, and 85-105 are currently pending and have been considered below. Claims 1-40, 42, 43, 46, 47, 59-62, 67, and 69-84 have been cancelled.

#### ***Response to Amendment***

2. The proposed amendments to the claims received on 2/8/2010 are not being entered into the record because they raise new issues that would require further consideration and/or search.

#### ***Response to Arguments***

3. Applicant's arguments filed 2/24/2010 have not been considered. The reason is that the arguments are all directed towards the cited references not teaching the limitations of newly added claims. Although new claims 106 and 114 are similar to current claim 85, they are not identical. New claim 106 appears to be a rewording of claim 85 with certain elements of claim 85 given new names in claim 106, where the relationships between the named elements in each claim is not clear. These newly added claims raise new issues and therefore are not being entered into the record at this time.

#### ***Remarks***

4. Regarding these proposed new claims 106 and 114, and taking 106 as exemplary, they appear to be substantially a rewording of claim 85, although they appear to have differences. However, claim 85 was not allowed in the previous Office Action and the examiner does not see how this proposed rewording of the claims would substantially change the basis of the rejections in view of Bingle and Asada. The new claim recites "respective first and second releasable fixation members and respective first and second centering members", where these members, as far as the examiner can tell, are referring to portions of the housing and mounting adapter. The examiner sees no reason why he would not be able to choose portions of the housing and mounting adapter of Bingle et al. in view of Asada et al. to satisfy the reworded claim. Then from the standpoint of prior art rejections, the new claims will not be, as an entire set, allowable.

5. Further, the examiner thinks it likely that the new claims would lead to rejections under USC 112. The terms "releasable fixation member" and "centering member" do not appear in the specification, and the examiner cannot tell exactly to which elements the applicant is referring. In the specification, "positioning means" and "releasable fixation means" appear to be used interchangeably to refer to the same means. That is, for example in Fig. 6, the elastic arms 29 appear to be releasable fixation means and also positioning means. The new claims appear to set forth that the releasable fixation members and centering members are not identical. If this is the case, then the examiner does not know what the centering members are. Also, the claims use "means for" language which usually triggers USC 112 6<sup>th</sup> paragraph, and requires that the specification must be clear as to what constitutes each disclosed means. In this case, it appears that the "respective first and second releasable fixation members and respective first and second centering members" are part of the "positioning means" and/or the "releasable fixation means".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS HOGUE whose telephone number is (571) 270-5089. The examiner can normally be reached on Mon. - Thurs., 8:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DH

Examiner

3/2/2010

/Jason Whipkey/  
Primary Examiner, Art Unit 2622